



## **Staff Report**

---

### **DISCUSSION AND DIRECTION REGARDING THE SEWER LATERAL PROGRAM**

Honorable Mayor and Council Members:

#### **Summary**

The City of Belmont is interested in developing a program addressing sanitary sewer laterals on private property. This report presents a menu of options for consideration in addressing sewer laterals in Belmont and presents recommendations for Council to consider.

#### **Background**

Sewer laterals are the underground pipes that connect a residence or business to the main sewer line. In Belmont, as in many cities in the United States, maintenance of sewer laterals is the responsibility of private property owners. Poorly maintained sewer laterals contribute to the infiltration and inflow (I/I) of storm water or groundwater into the Belmont dedicated sanitary sewer system, which can cause the system to overflow and results in continuously growing charges for conveyance and treatment of the increasing sewage flows. The discharge of sewer overflow into residential basements and surrounding waters negatively affects the environment and public health, and it also violates State and Federal regulations. As cities throughout the United States struggle to address problems of I/I, municipal programs to encourage and assist residential private property owners to maintain private sewer laterals are growing in popularity.

Belmont does not have a regular maintenance program for the private sewer lateral system; except for requirements to video inspect the sewer line during remodeling. The City often discovers faulty private sewer laterals when investigating acute problems, such as sewer system back-ups, pavement sink holes, or during smoke testing of the sewer main line. Faulty sewer laterals can be caused by a range of factors including: 1) the quality of material used for the lateral, 2) initial construction of the lateral, 3) soil movement, 4) intrusion of tree roots, or 5) damage caused to pipes during maintenance. In addition, property owners have little incentive to maintain sanitary laterals for several reasons: 1) financial assistance is limited in covering the costs of lateral maintenance; 2) lack of education regarding property owner responsibilities; and 3) difficulty identifying direct benefits of investing in maintenance, in the absence of a sewer backup.

#### **Discussion**

City staff reviewed sewer lateral programs that are implemented by municipalities throughout the country and presents the following:

1. Public Information Programs. Effective public education can produce substantial voluntary participation from individual property owners to disconnect illegal drain connections, inspect, and repair laterals as needed.

Pros: Compliance with Section 11 of the Sewer System Management Plan (Communication Program) as well as development of the public awareness of the importance of sewer lateral maintenance.

Cons: Cost of public awareness program.

2. Financing Programs. Finance assistance may be offered to individual property owners in the following forms:

- Grants
- Low-interest loans
- Local assessment district financing
- Reimbursement of a partial cost of the building permit to the property owner.

Pros: Private sewer laterals are rehabilitated which will reduce the cost of I/I.

Cons: This option regardless of the financing type will be costly to the City and cannot be financed by sewer bonds.

3. City Ownership of Laterals and/or Responsibility for Lateral Replacement.

Pros: Private sewer laterals are rehabilitated which will reduce the cost of I/I.

Cons: Taking ownership of the laterals will lead the City to reporting overflows on private property caused by defective sewer laterals, add a maintenance burden and may result in claims.

4. City Replacement of Private Laterals by Agreement with Property Owners. This option could include only lower lateral replacement (from cleanout to the street). The property owner would reimburse the City for the cost of replacement. Because some laterals are very long and others are short, it would be difficult to establish a uniform cost for the lateral replacement; therefore, the City would likely charge per linear foot.

Pros: Private sewer laterals are rehabilitated which will reduce the cost of I/I. No Building or Temporary Encroachment Permit cost to the property owners since the work will be done by the City staff.

Cons: Disadvantage to plumbing contractors who would not perform the service. Additional Public Works Staff and equipment to perform work would be needed.

5. Backflow Preventer Distribution Program. This program will involve public outreach and possible “free” backflow preventing device distribution for the first 100 residents (for example). Backflow preventers, when installed correctly, prevent backup of sewage flow into houses that are located at the same level or below the sewer main elevation. The backflow preventers are installed in the cleanouts.

Pros: This program will not reduce I/I, but with correct installation backflow preventers eliminate sewer overflows into the house, reducing number of potential claims submitted to the City.

Cons: Minor cost for distributing backflow preventers to the City.

6. Mandatory sewer video inspection by the property owner when applying for a building permit (remodeling) and if found in bad condition, requiring repair or replacement as a condition of approval.

Pros: This program is currently implemented. When a property owner applies for a building permit, he/she brings a set of plans which indicates extent of the remodeling. Should any additional drains, sinks, toilets or faucets are installed, a property owner is required to video inspect the sewer lateral since increase of the living area implies that more people living on premises are going to use water. Therefore, it is important to see that the existing sewer lateral is capable of carrying additional flows.

Cons: Inspected laterals may need to be repaired.

7. Mandatory requirement implemented in the Municipal Code for property owners to test sewer laterals and replace defective laterals at the time of property sale. This program has been implemented by a number of jurisdictions.

Pros: Private sewer laterals are rehabilitated which will reduce the cost of I/I. New homeowners will know they have a functional lateral.

Cons: Add to the cost and schedule for real estate deals.

8. Active Enforcement for Private Rehabilitation. Establishment of inspection programs/ordinance development requiring mandatory lateral rehabilitation. Sewer lateral video inspection conducted by DPW staff with future sewer lateral repairs done by the property owners. Give property owners two to three years to fix the problem either by lining, bursting or open trenching.

Pros: Private sewer laterals are rehabilitated which will reduce the cost of I/I.

Cons: Regulation approach that may result in public discourse.

### **General Plan/Vision Statement**

This project is consistent with the General Plan General Community Goals and Policies section (Paragraph 1015), which states *“To provide public services efficiently and at a level adequate to serve an ultimate population of about 28,000”* and with the General Plan Public Facilities and Services Goals section (Paragraph 2041), which states *“To provide public services at a level adequate to ensure public safety, health and welfare at the lowest possible cost; to establish and maintain all essential public services and facilities in a manner that ensures continued operation in time of emergency.”*

### **Fiscal Impact**

The Council discussion and direction on this matter does not have a fiscal impact at this time.

### **Public Contact**

1. Posting of the Council agenda for this item.

**Recommendation**

Staff recommends the City Council discuss the proposed sewer lateral programs and provide direction to staff to further develop a few options to bring back to Council.

Staff has reviewed the sample programs and recommends two for further consideration/evaluation: Number One – Public Information Program to create understanding of sewer laterals in the community and the need to address this issue, and Number Seven – Mandatory requirement for property owners to test sewer laterals and replace defective laterals at the time of property sale. Staff recommends these options because the scope of the I&I issue is considerable, these methods have been successfully implemented by a number of jurisdictions, and the programs will incrementally reduce I&I caused by defective sewer laterals.

**Alternatives**

1. Refer back to staff for further information.

**Attachments**

1. City of Berkeley Private Sewer Lateral Program

Respectfully submitted,

---

Bozhena Palatnik, PE  
Associate Civil Engineer

---

Carlos de Melo  
Acting Public Works Director

---

Jonathan Gervais  
Acting Public Works Director

---

Greg D. Scoles  
City Manager

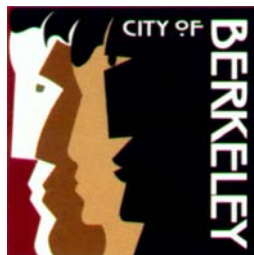
Staff Contact:  
Bozhena Palatnik  
Associate Civil Engineer  
Phone: (650) 595-7463  
[bpalatnik@belmont.gov](mailto:bpalatnik@belmont.gov)

**CITY OF BERKELEY**

**PRIVATE SEWER LATERAL PROGRAM**

**EFFECTIVE OCTOBER 1, 2006**

**A COMPLIANCE GUIDE FOR  
PROPERTY OWNERS, SELLERS, BUYERS,  
AND CONTRACTORS**



## TABLE OF CONTENTS

---

What Is the Private Sewer Lateral Program? .....	1
Who Has to Comply With This Ordinance? .....	1
Property Owner's Responsibility .....	2
How to Use This Guide.....	4
What Triggers Compliance? .....	4
Sale of Property .....	4
Major Remodeling Projects .....	5
The City Finds Nonconforming Connections .....	6
Who Can Perform Repair or Replacement Work? .....	6
Who Can Produce Closed Circuit Television (CCTV) Videos?.....	7
Application Procedures .....	7
Engineering Review .....	9
Issuance of Sewer Lateral Certificate .....	10
Appendix S1: Standards and Requirements for Closed Circuit Television Surveys	
Appendix S2: Standards for Obtaining a Sewer Lateral Certificate for Replacement or Repair	
Appendix S3: Guidelines for Permits and Inspections for Replacement of Sewer Laterals	
Appendix F1: Plumbing Sewer Lateral Checklist	
Appendix F2: Engineering Permit Application	
Appendix F3: Sample Application for Sewer Lateral Certificate	
Appendix F4: Sample Sanitary Sewer Lateral Certificate of Compliance	
Appendix F5: Declaration of Sewer Lateral Escrow Deposit	
Appendix F6: Sample Sewer Lateral Deficiency Report	

## **WHAT IS THE PRIVATE SEWER LATERAL PROGRAM?**

---

To protect the water quality of creeks, watersheds, and the San Francisco Bay, the City of Berkeley recently passed a law related to private property sewer laterals. Half of the water that enters the City's sewers during wet weather comes from deficient private sewer laterals (lines) and from downspouts and yard area drains. Effective October 1, 2006, property owners are required to obtain a Sewer Lateral Certificate prior to selling a property or obtaining a permit for certain major remodeling projects.

## **WHO HAS TO COMPLY WITH THIS ORDINANCE?**

---

All property owners must comply with this ordinance. This includes property owners for all commercial, industrial, and residential properties including as condominiums and townhouses.

While single family or multifamily homes can be straightforward in identifying the location and owner of the upper sewer lateral or backyard lateral, it becomes a bit more challenging when dealing with condominiums and townhouses. It should be noted, however, that the principles apply all scenarios.

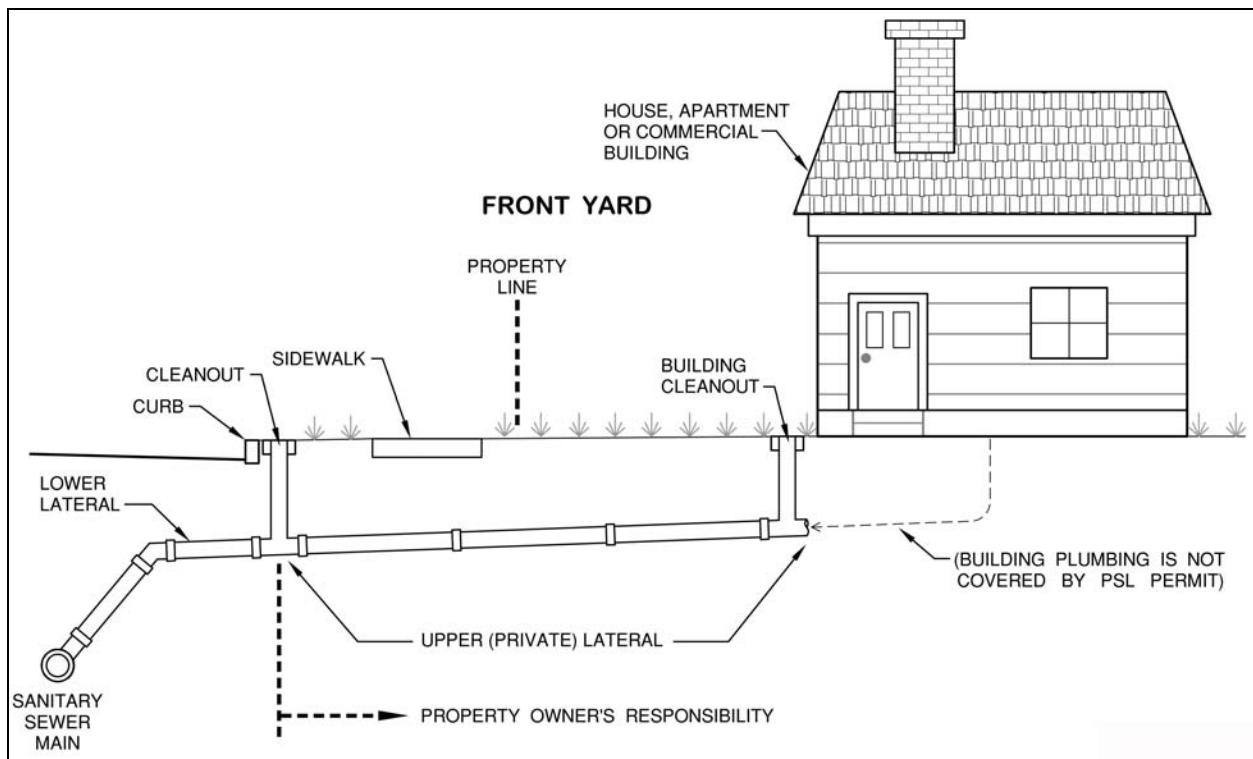
For example, consider a single building that houses six condominiums and all units share the upper sewer lateral. If a condominium should come up for sale, then the owner would comply with the steps described in this guideline and would either apply for a certificate by providing documentation as to the recent repair or replacement of the upper lateral or provide a CCTV video inspection. The Certificate of Compliance would be issued to the property. This may be advantageous for other unit owners who want to sell later as they will be able to verify the compliance of the lateral.

## PROPERTY OWNER'S RESPONSIBILITY

---

A typical sanitary sewer lateral consists of two sections:

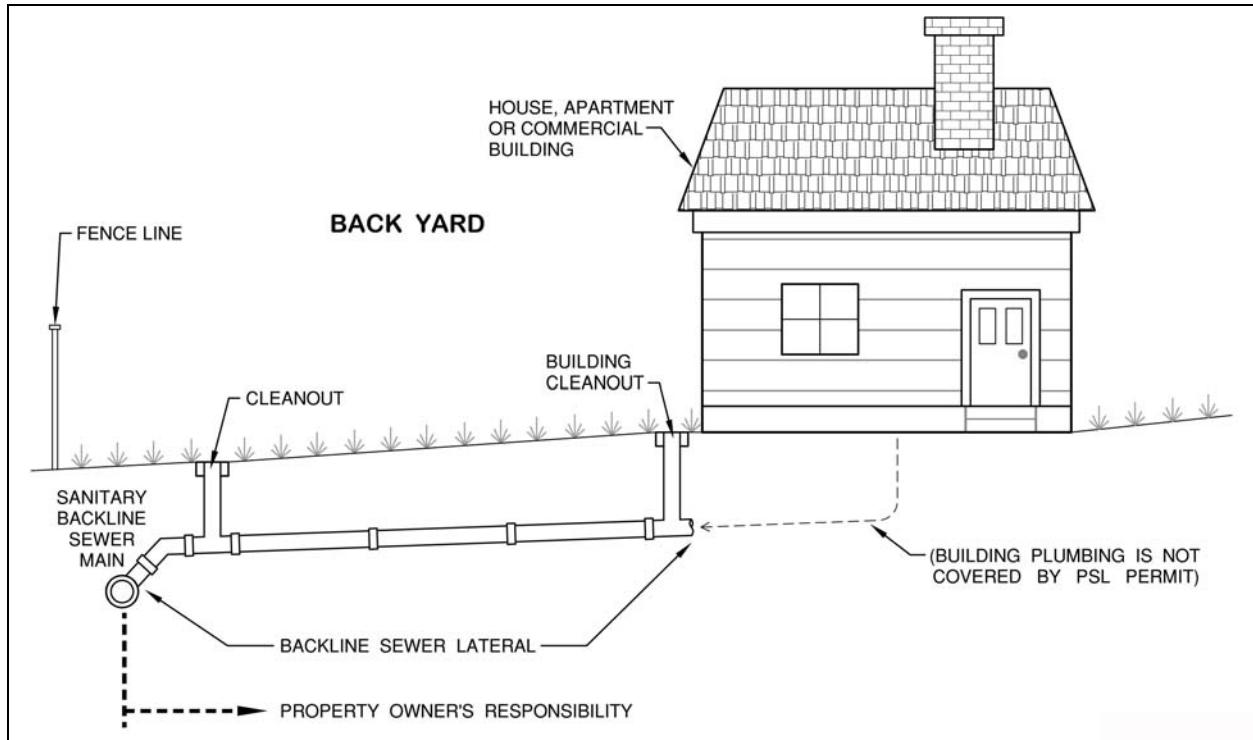
1. The lower lateral is the section of pipe that runs from the sewer main in the street to a cleanout at or near your property line at the back of the curb, as shown in Figure 1. The City maintains and repairs the lower lateral connected to your property.
2. The upper lateral is called the "private sewer lateral." The property owner is responsible for maintaining, repairing, and replacing the upper lateral.



**Figure 1. Typical Sanitary Sewer Lateral**



When a building sewer connects to a rear yard sewer main, the entire building's sewer lateral, including the connection to the main sewer, shall be considered a private sewer lateral. Figure 2 below illustrates this condition.



**Figure 2. Typical Sanitary Backline Sewer Lateral**

## HOW TO USE THIS GUIDE

---

Refer to the Table of Contents for specific information on various aspects of the Private Sewer Lateral Program. The appendices include standards, guidelines, applications, and samples of applications related to this program.

You can download an application for the Private Sewer Lateral Certificate from the City's web page at

<http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=4044> or you can get copies from the Finance Customer Service Center at 1947 Center Street, 1<sup>st</sup> Floor, or from Public Works Engineering at 1947 Center Street, 4<sup>th</sup> Floor.

## WHAT TRIGGERS COMPLIANCE?

---

There are three events that trigger compliance:

1. The sale of property; or
2. A remodeling project that costs more than \$100,000 or costs more than \$50,000 and involves replacing or relocating two or more plumbing fixtures; or
3. The City discovers an illegal connection from the City's lower sewer lateral to the private sewer lateral (owner's responsibility).

The requirements for each of these events are listed below.

## SALE OF PROPERTY

---

If you're planning on selling your property, the City will issue a Private Sewer Lateral Certificate at **no charge** if you can provide one of the following documents as verification of compliance:

- Evidence that your sewer lateral is less than 20 years old; or
- A copy of a plumbing permit for 100% replacement for your upper lateral performed within the last 20 years. (Please review the City's Standard in [Appendix S2](#) for additional information). If less than 100% of the upper lateral was replaced a CCTV inspection is required.

If your sewer lateral does not comply, you must have it inspected by closed circuit television (CCTV). A California state licensed plumbing contractor or licensed sanitation sewer contractor can perform the CCTV work. It is important that the contractor is aware of the correct way to handle the inspection of the property. This information is available at Public Works Engineering. The cost of the CCTV inspection, including the video, may range between \$75 and \$350.

Please see [Appendix S1](#) for the required standards for completing a CCTV inspection and a sample of a properly completed log to accompany the CCTV inspection.

In most cases, all repair or replacement work must be completed prior to the transfer of title. Alternately, if requested, the City may determine that the work is not sufficiently urgent and allow you to retain funds in escrow or post a bond to complete the work within 6 months of the close of escrow. (See Deadlines for Owners Selling Property below for details.)

**Note:** A transfer of ownership between family members does not require inspection.

See the section “Application Procedures” for the Private Sewer Lateral Certificate for selling property.

### **Deadlines for Owners Selling Property**

You must complete all repair or replacement work before the transfer of title. You may request the City to determine if the work is urgent. If the work is not urgent, you may do one of the following:

- Allow funds to be held in escrow; or
- Post a bond to finish the work within 6 months of the close of escrow.

All work on the sewer lateral must be done within 6 months of the close of escrow. It is recommended that you start this process as soon as possible after you list the property for sale.

Complete the form entitled Declaration of Sewer Lateral Escrow Deposit.

## **MAJOR REMODELING PROJECTS**

---

Are you planning a major remodeling project? The new law may affect you if one of the following applies:

- Your remodeling project costs more than \$100,000, or
- Your remodeling project involves two or more plumbing fixtures and exceeds \$50,000. (Plumbing fixtures may be defined as: a combo bath and shower, bathtub, dishwasher, flood drain, lavatory, and sinks, and including but not limited to any other fixture listed in the most recent version of the California Plumbing Code, as adopted by the City of Berkeley.)

Effective October 1, 2006, you will be required to submit a Sewer Lateral Certificate (SLC) from the Public Works Department before receiving a building permit for your remodeling project(s). To obtain a SLC you must provide one of the following:

- Evidence that the sewer lateral is less than 20 years old;
- A copy of a plumbing permit for 100 % replacement of your upper lateral within the last 20 years. (Please review the City's Standard in [Appendix S2](#) for additional information.)

If your sewer lateral does not comply, you must have it inspected by closed circuit television (CCTV). A California state licensed plumbing contractor or licensed sanitation sewer contractor can perform the CCTV work. It is important that the contractor is aware of the correct way to handle the inspection of the property. This information is available at the Public Works Department. The cost of the CCTV inspection, including the video, may range between \$75 and \$350.

Please see Appendix S1 for the required standards for completing a CCTV inspection and a sample of a properly completed log to accompany the CCTV inspection.

**Building Permit Applications.** You will have to provide a copy of a SLC from the Public Works Department when you apply for a building permit from the Permit Service Center. If you do not produce the SLC, the City will issue a plan check correction notice indicating you need to obtain a plumbing/sewer lateral permit before a building permit will be approved. For additional reference, see [AS3 \(Guidelines for Permits and Inspections for Replacement of Sewer Laterals\)](#) or [AF1 \(Plumbing Sewer Lateral Checklist\)](#).

See the section "Application Procedures" for Private Sewer Lateral Certificates for major remodeling projects.

## **THE CITY FINDS NONCONFORMING CONNECTIONS**

---

If the City discovers that there are nonconforming connections (such as terminations of area or roof drains) to the private sewer lateral, then the City will mandate corrective actions to bring the property into compliance.

## **WHO CAN PERFORM REPAIR OR REPLACEMENT WORK?**

---

Performing repair or replacement work in the public right-of-way must be done by a California state licensed plumbing contractor (C-36 license), a sanitation sewer contractor (C-42 license), or a general engineering contractor. Work on private property for single- and two-family residences may be done by the C-36 or C-42 contractors, a general building contractor (Class B) or by the

homeowner. Homeowners may perform work on their own property only if work is done in compliance with the owner-builder provisions of State law.

## **WHO CAN PRODUCE CLOSED CIRCUIT TELEVISION (CCTV) VIDEOS?**

---

The City will accept only CCTV videos which are completed by a California state licensed plumbing contractor or a licensed sanitation sewer contractor. Please note that the video must be current and have been completed within 30 days of the application for certificate. See [Appendix S1](#) for the required standards for completing a CCTV inspection and a sample of a properly completed log to accompany the CCTV inspection.

## **APPLICATION PROCEDURES**

---

The three different application procedures are: 1) for sale of property, 2) for major remodel projects, and 3) for modifying or replacing private laterals.

### **Application for Sale of Property**

1. Complete the Application for Private Sanitary Sewer Lateral Certificate. Applications may be obtained from the Public Works Department, 1947 Center Street, 4<sup>th</sup> Floor **or** from the Finance Department, 1947 Center Street, 1<sup>st</sup> Floor. Applications can also be downloaded from:  
<http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=8160>.
2. Attach to the application one of the following:
  - Documentation that 100% of the upper lateral has been replaced within 20 years of the date of application.. There is no fee if this proof is provided. (Please review [Appendix S2, Standards for Obtaining a Sewer Lateral Certificate Based on Repair](#)) or
  - A closed circuit television (CCTV) video of the entire portion of the private sewer lateral that demonstrates it is in compliance. A \$150 fee is required if you submit a video. (A log complete with required information must accompany the submitted video. See [Appendix S1](#).)
3. Submit application materials to the Finance Customer Service Center at 1947 Center Street, 1st Floor. Please allow 5 business days for the processing and review of your application.

### **Application for a Major Remodel**

1. Complete the Application for Sewer Lateral Certificate. Applications may be obtained from the Public Works Department, 1947 Center Street, 4<sup>th</sup> Floor **or** from Finance Customer Service Center, 1947 Center Street, 1<sup>st</sup> Floor. Applications can also be downloaded from:  
<http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=8160>.
2. Attach to the application one of the following:
  - Documentation that 100% of the upper lateral has been replaced within 20 years of the date of application. There is no fee if this proof is provided. (Please review [Appendix S2, Standards for Obtaining a Sewer Lateral Certificate Based on Repair](#)) **or**
  - A closed circuit television (CCTV) video of the entire portion of the private sewer lateral that demonstrates it is in compliance. A \$150 fee is required if you submit a video. (A log complete with required information must accompany the submitted video. See [Appendix S1](#).)
3. Submit application materials to the Finance Customer Service Center at 1947 Center Street, 1<sup>st</sup> Floor. Please allow 5 business days for the processing and review of your application.

### **Application for Repair or Replacement of Existing Noncomplying Sewer Lateral**

1. If the existing private sewer lateral does not comply, and/or compliance cannot be verified either by a CCTV inspection or other approved documents, follow these steps:
  - Obtain a plumbing/sewer lateral permit application from the Permit Service Center at 2120 Milvia Street. Specific requirements for completing the permit application are included in [Appendix S2, Standards for Obtaining a Sewer Lateral Certificate Based on Repair](#).
  - These permits cost approximately \$273.
2. Remove the existing private sewer lateral.
3. Install the new private sewer lateral, including necessary clean-outs and other fittings.
4. Obtain approval to backfill the excavation from the Planning and Development Department by scheduling a rough inspection, being sure to adhere to the City's standards for backfill. It is the applicant's responsibility to schedule the required inspections for approval.
5. Call for a final inspection from the Building and Safety Division.
6. Take the signed-off permit to the Finance Customer Service Center at 1947 Center Street, 1st Floor, and complete a Sewer Lateral Certificate

application. Applications are to be submitted to the Finance Customer Service Center at 1947 Center Street, 1st Floor.

The total costs for repairing or replacing noncomplying sewer laterals, including for permits, inspections and construction, may range between \$3,000 and \$4,500.

## ENGINEERING REVIEW

---

The approval process for the Sewer Lateral Certificate (SLC) requires the City to review:

1. The SLC application for completeness and signature. [Appendix F3](#) is a sample of a properly completed application.
2. The closed circuit television (CCTV) video of the existing lateral for completeness and conformance with the City's standards for CCTV inspections. The standards are detailed in [Appendix S1](#). The City's fee for reviewing CCTV video inspections is \$150.00
3. The video log for completeness and conformance to the City's standards. Please review [Appendix S1, Standards and Requirements for Closed Circuit Television Surveys](#). A sample of a properly completed inspection log is included in this guide in Appendix S1.
4. All documentation for full replacement and significant repairs, including the following:
  - The plumbing/sewer lateral permit signed off by a Building Inspector from the Building and Safety Division;
  - The scope of work performed and the date of its completion. Refer to [Appendix S2](#) for the standards for obtaining a sewer lateral certificate.
5. All documentation and determine if the work done complies with the City's guidelines as shown in [Appendix S2](#). If the City finds that the information submitted adequately addresses the minimum requirements for a repair/replacement, then the City will issue a SLC. A sample of this document is available as [Appendix F4](#).

If the submitted documentation IS NOT in compliance, the City will issue a Deficiency Notice (see sample document in [Appendix F6](#)). The applicant will have 90 calendar days to resubmit adequate documentation. Failure to obtain a SLC within 120 calendar days of application submission will result in the City considering the property to be out of compliance with the law. Staff will follow up with code enforcement actions. Such enforcement action will be pursuant to Berkeley Municipal Code Section 17.24.060.

## **ISSUANCE OF SEWER LATERAL CERTIFICATE**

---

The City will issue a Sewer Lateral Certificate after you meet all requirements for compliance. The City will maintain a record of this certificate; however, you are encouraged to keep a copy for your own records.

The Sewer Lateral Certificate is valid for the following timeframes:

1. If the sewer lateral is entirely replaced, the certificate will be valid for 20 years from the date of replacement.
2. If the sewer lateral is shown by CCTV inspection to be in compliance and without defect, then the certificate will be valid for 10 years from the date of the video.

The expiration date will be shown on the certificates as well as be archived in City records.